

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

EVERETT COX #235218,

Plaintiff,

File No. 2:08-CV-56

v.

HON. ROBERT HOLMES BELL

C. MARCOTTE, et al .,

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION AND DISMISSING COMPLAINT**

On May 15, 2008, United States Magistrate Judge Timothy P. Greeley issued a Report and Recommendation (“R&R”) recommending that Plaintiff Everett Cox’s prisoner civil rights complaint be dismissed pursuant to 28 U.S.C. §§ 1915(e)(2), 1915A(b), and 42 U.S.C. § 1997e(c) for failure to state a claim. Plaintiff filed a notice of appeal on May 29, 2008, which this Court has construed as an objection to the R&R. (Dkt. No. 15.)

This Court is required to make a de novo determination of those portions of the R&R to which objection has been made, and may accept, reject, or modify any or all of the Magistrate Judge’s findings or recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

In order to satisfy the objection requirement “[t]he objections must be clear enough to enable the district court to discern those issues that are dispositive and contentious.”

Spencer v. Bouchard, 449 F.3d 721, 725 (6th Cir. 2006) (quoting *Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995)). Objections disputing the correctness of the R&R but failing to specify the findings believed to be in error are too general. *Id.*

Plaintiff's notice of appeal does not specify the findings believed to be in error. It is, at best, a general objection to the R&R, and is tantamount to no objection at all.

The Court is satisfied that the R&R recommends the appropriate disposition of this case. Accordingly,

IT IS HEREBY ORDERED that Plaintiff's notice of appeal, construed as an objection to the R&R (Dkt. No. 15) is **DENIED**.

IT IS FURTHER ORDERED that the Report and Recommendation of the Magistrate Judge is **APPROVED** and **ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that Plaintiff's complaint is **DISMISSED** for failure to state a claim pursuant to 28 U.S.C. §§ 1915(e)(2), 1915A, and 42 U.S.C. § 1997e(c).

IT IS FURTHER ORDERED that this dismissal shall count as a **STRIKE** for purposes of 28 U.S.C. § 1915(g).

IT IS FURTHER ORDERED that the Court finds no good-faith basis for appeal within the meaning of 28 U.S.C. § 1915(a)(3).

Dated: October 30, 2008

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE